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| EXAMINER |
|---|
| BROOKS, MATTHEW L |

| ART UNIT | PAPER NUMBER |
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

| | Application No. | Applicant(s) |
| --- | --- | --- |
| **Office Action Summary** | 10/757,221 | KAPLAN ET AL. |
| | Examiner | Art Unit | |
| | MATTHEW L. BROOKS | 3629 | |

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1)☒ Responsive to communication(s) filed on *18 June 2009*.

2a)☒ This action is **FINAL**.　　　　2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4)☒ Claim(s) *1-32* is/are pending in the application.

　　4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-32* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

**Application Papers**

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

　　Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

　　Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

　　a)☐ All　b)☐ Some * c)☐ None of:

　　　1.☐ Certified copies of the priority documents have been received.

　　　2.☐ Certified copies of the priority documents have been received in Application No. _____.

　　　3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

　* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
　　Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
　　Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

## DETAILED ACTION

1.      This communication is in response to the filing on 18 June 2009.

### *Status of Claims*

2.      Original claims 1-32 are currently pending.

3.      In view of the Appeal Brief filed on 6/18/2009, PROSECUTION IS
HEREBY REOPENED.  Reasons set forth below.

        To avoid abandonment of the application, appellant must exercise one of
the following two options:

        (1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a
reply under 37 CFR 1.113 (if this Office action is final); or,

        (2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31
followed by an appeal brief under 37 CFR 41.37.  The previously paid notice of
appeal fee and appeal brief fee can be applied to the new appeal.  If, however,
the appeal fees set forth in 37 CFR 41.20 have been increased since they were
previously paid, then appellant must pay the difference between the increased
fees and the amount previously paid.

        A Supervisory Patent Examiner (SPE) has approved of reopening
prosecution by signing below:

        ***.

## Claim Objections

4.      Claims 1-32 are objected to because of the following informalities:

Applicant's preamble states that the claims are for a SYSTEM, yet the body of

the claims are method steps.  Appropriate correction is required.

5.      Claim 7 is objected to because a semi-colon follows the "payment

comprises the steps of;" and it should be a colon.  Please fix where appropriate.

## Claim Rejections - 35 USC § 103

6.      The following is a quotation of 35 U.S.C. 103(a) which forms the basis for

all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described
> as set forth in section 102 of this title, if the differences between the subject matter sought to
> be patented and the prior art are such that the subject matter as a whole would have been
> obvious at the time the invention was made to a person having ordinary skill in the art to which
> said subject matter pertains.  Patentability shall not be negatived by the manner in which the
> invention was made.

7.      The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1,

148 USPQ 459 (1966), that are applied for establishing a background for

determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1.      Determining the scope and contents of the prior art.
2.      Ascertaining the differences between the prior art and the claims at
        issue.
3.      Resolving the level of ordinary skill in the pertinent art.
4.      Considering objective evidence present in the application indicating
        obviousness or nonobviousness.

8.      Claims 1-17 and 19-28 and 30-32 are rejected under 35 U.S.C. 103(a) as

being unpatentable over US 7,069,333 B1 (Morris) in view of US 2004/0068414

(Springer).

9.      With respect to **claim 1**: Morris teaches

An Internet-website-client-server-assisted system, relating to providing on-

location electronics troubleshooting services, comprising the steps of (see Fig 9

"internet" and C12, 29):

   a.  registering customer information relating to at least

one customer (Fig 4, where "Bill Peters" phone number and address are shown

on user interface, therefore had to have been registered);

   b.  registering technician information relating to at least one technician

having electronics-technician abilities relating to providing such on-location

electronics troubleshooting services (Fig 3, list of technicians names had to be

registered in database);

   c.  maintaining a database, on at least one Internet website client server,

of such customer information relating to such at least one customer (Fig 1, 110 is

the database where information on customer is stored and Fig 4 '410 shows the

representation of information);

   d.  maintaining a database, on such at least one Internet website client

server, of such technician information relating to such at least one technician (Fig

3 and Fig 1, 110);

   f) receiving, on such at least one Internet website client server, requests

relating to such on-location electronics troubleshooting services from such at

least one customer (C2, 24-30);

   g) notifying automatically, using such at least one Internet website client

server, such at least one technician to provide such on-location electronics

troubleshooting services requested by such at least one customer (C2, 24-30);

h) receiving on-location electronics troubleshooting service information, on

at least one Internet website client server, from such at least one technician

(C12, 55-65); and

i) maintaining a database, on such at least one Internet website client

server, of such on-location electronics troubleshooting service information (C12,

10-20).


Morris fails to teach (e.) collecting automatically, using such at least one

Internet website client server, at least one fee from such at least one customer

relating to such on-location electronics troubleshooting services".

However Springer teaches at paragraph [0030] that internet provided

"user interface can facilitate the registration of a new customer with [] the service"

and teaches "collecting automatically, using an internet website client server, at

least one fee from customers relating to an on location service", by stating that

"instructions 408 can also automatically send debit and credit information to

financial institution 402".

Springer services offered included repetitive services including inspection

and services on a monthly basis. Thus, Springer teaches that one of ordinary

skill in the art of e-commerce would know that automatic billing of a financial

instrument is old and well established in the business of e-commerce as a

convenient way for a consumer to charge a repetitive customer; ie, a service

contract. It would have been obvious to one having ordinary skill in the art at the

time of the invention to have included the step of automatic billing in Morris by

including that type of Springer software because the skilled artisan would have

recognized that this business practice streamlines the process and saves time

spent by a service provider in charging customers for service provided and is

clearly applicable to the charging of any type of service. Further Springer gives

more motivation to include this type of payment by stating at Paragraph [0023]

that "payment authorization advantageously provides authorization from the

customer for ongoing, automatic debits to a customer financial instrument in

payment for pest control services. This advantageously helps the service

provider to avoid collections problems for services rendered.


10.     With respect to **claim 2**: Morris teaches wherein such at least one

customer and such at least one technician are sufficiently co-located within

geographical areas to provide appropriate response times (C14, 48-55).

11.     With respect to **claim 3** wherein such step of receiving on-location

electronics troubleshooting service information by such at least one technician

comprises the steps of: a) receiving start time of such on-location electronics

troubleshooting service, on such at least one Internet website client server, from

selected such at least one technician (Fig 3 AND Fig 8b, total time);b) receiving

end time of such on-location electronics troubleshooting services, on such at

least one Internet website client server, from selected such at least one

technician (Fig 8b total time); c) storing such start time of such on-location

electronics troubleshooting service on such at least one Internet website client

server (C21, 5-40); and d) storing such end time of such on-location electronics

troubleshooting service on such at least one Internet website client server (Fig 1, 110).

12.    With respect to **claim 4** further comprising the steps of: a) receiving indication of any need relating to repair service, on such at least one Internet website client server, from such selected at least one technician (C2, 20-30); b) receiving indication of selected type of such repair service, on such at least one Internet website client server, from such selected at least one technician (Fig 4 and 5); c) storing such indication of any need relating to repair service on such at least one Internet website client server (Fig 4 and Fig 5); d) storing such selected type of such repair service, on such at least one Internet website client server (Fig 4 and Fig 5); e) selecting such at least one repair service of such selected type of repair service (Fig 4 and Fig 5); and f) notifying such selected at least one repair service to contact such at least one customer (Fig 4 and Fig 5).

13.    With respect to **claim 5** further comprising a) receiving customer satisfaction evaluation from such selected at least one technician (C13, 25-30 reviewed by customer); and b) storing such customer satisfaction evaluation (Fig 1, 110).

14.    With respect to **claim 6** wherein such step of collecting automatically, using such at least one Internet website client server, at least one fee from such at least one customer relating to such on-location electronics troubleshooting services comprises the steps of: a) agreeing to at least one payment of a specified amount by such at least one customer (C13, 20-40 AND see Springer '203); and b) receiving such at least one payment (C11, 22-40 and [0021]).

15.    With respect to **claim 7** wherein such step of receiving such at least one

payment comprises the steps of;

        a) providing of credit card account information by such at

least one customer (Springer Fig 3, '313);

        b) storing such at least one credit card account information, on at least

one Internet website client server, relating to such at least one customer

(Springer Fig 4, 401 connected to customer 404 through network 405);

        c) authorizing at least one charge to such credit card account of such at

least one customer (Springer [0023] "payment authorization");

        d) storing such authorization of at least one charge to such credit card

account, on at least one Internet website client server, of such at least one

customer (Springer [0028] and Fig 4);

        e) requesting at least one payment from such at least one credit card

account on behalf of such at least one customer (Springer Fig 4, '403 through

network '405 to TPCH/financial institution '402); and

        f) recording such at least one payment, on at least one Internet website

client server, on behalf of such at least one customer (Springer [0030] stored in

pest control service database).

16.    With respect to **claim 8** wherein such step of requesting at least one

payment from such at least one credit card account on behalf of such at least

one customer comprises the step of requesting such at least one payment from

such at least one credit card account on behalf of such at least one customer

substantially automatically at pre-determined intervals (Springer, bottom of paragraph [0030]).

17.     With respect to **claim 9** wherein such step of requesting at least one payment from such at least one credit card account on behalf of such at least one customer comprises the step of requesting such at least one payment from such at least one credit card account on behalf of such at least one customer at completion of on-location electronics troubleshooting services by such at least one technician (Springer, Fig 1, 103).

18.     With respect to **claim I0** further comprising the steps of: a) notifying such at least one customer requesting such on-location electronics troubleshooting services of estimated time of arrival of notified such at least one technician (Fig 4 and C19, 43-55); and b) providing such on-location electronics troubleshooting services to such at least one customer (C19, 43-55).

19.     With respect to **claim 11** wherein such step of notifying such at least one customer requesting such on-location electronics troubleshooting services of estimated time of arrival of notified such at least one technician comprises the steps of: a) providing to such at least one customer such estimated time of arrival by such notified such at least one technician (Fig 4 and C19, 43-55); and b) recording such estimated time of arrival provided by such notified such at least one technician (C19, 43-55).

20.     With respect to **claim 12** further comprising the steps of: a) providing such on-location electronics troubleshooting services to such at least one customer at

any time of day (Fig 2); and b) providing such on-location electronics

troubleshooting services to such at least one customer on any day (Fig 2).

21.    With respect to **claim 13** wherein such step of registering customer

information relating to at least one customer further comprises the steps of:

a) recruiting such at least one customer (Springer Fig 6, advertisement of

services);

b) obtaining agreement from such at least one customer to pay for such

on-location electronics troubleshooting services (Springer, Fig 3 "agreement" and

[0033] can be administered over website AND [0030] "user interface can facilitate

agreement");

c) recording such customer information, on at least one Internet website

client server, relating to such at least one customer (Springer [0028] and Fig 4);

d) wherein such customer information comprises i) service location

address (Springer Fig 3, Premise address); ii) at least one contact name

(Springer, Fig 3); iii) at least one contact telephone number (Springer Fig 3); and

e) assigning such service location address to at least one geographic

dispatch area (Springer [0032]; where the website is used to recruit new

customer appropriate franchisee/geographic dispatch would be assigned the

customer based on service location address).

22.    With respect to **claim 14** wherein such customer information further

comprises: a) customer name (Springer Fig 3);

b) customer billing address (Springer Fig 3);

c) customer email address (Springer Fig 3);

d) customer credit card number (Springer Fig 3); and

e) customer credit card number expiration date (Springer Fig 3).

23.     With respect to **claim 15** further comprising the steps of:

a) providing on-location assistance relating to implementation of such on-site

customer interface module of such Internet-website-client-server-assisted system

to such at least one customer (this is interpreted as providing web assistance;

See Springer [0033]; and

b) providing on-location usage training relating to such on-site customer interface

module of such Internet- website-client-server-assisted system to such at least

one customer (Springer [0033] "helpful tips", "online chat", "frequently asked

questions" all available on customer user interface).

24.     With respect to **claim 16** wherein such step of registering technician

information relating to at least one technician having electronics-technician

abilities relating to providing such on-location electronics troubleshooting

services comprises the steps of: a) establishing a plurality of qualification criteria

relating to selecting such at least one technician (C115-15 and 40-60); b)

wherein such qualification criteria comprise i geographic location of residence of

such at least one technician (C115-15 and 40-60), and ii) required minimum

competency levels relating to electronics-technician abilities (C115-15 and 40-

60); and c) recruiting such at least one technician (C115-15 and 40-60); and

d) recording technician information, on at least one Internet website client server,

relating to selected such at least one technician (C115-15 and 40-60); e wherein

such technician information comprises i) technician name, ii) technician home

address, iii) technician home telephone number, iv) technician email address,

and v) technician electronics-technician skills (Fig 2—3 and C115-15 and 40-60);

f) selecting such at least one technicians using such plurality of qualification

criteria (Fig 2—3 and C115-15 and 40-60); g) assigning such selected at least

one technician a unique identification number (Fig 2—3 and C115-15 and 40-60);

h) assigning such technician home address to at least one geographic dispatch

area (Fig 2—3 and C115-15 and 40-60); and i) implementing at least one

technician user interface module of such Internet-website-client-server-assisted

system (Fig 2—3 and C115-15 and 40-60).

25.     With respect to **claim 17** wherein such technician information further

comprises: a) technician cellular phone number; and b) technician pager number

(Fig 2—3 and C115-15 and 40-60).

26.     With respect to **claim 19** wherein such step of notifying automatically,

using such at least one Internet website client server, such at least one

technician to provide such on-location electronics troubleshooting services

requested by such at least one customer comprises the steps of: a) selecting

such at least one technician using dispatch selection criteria (Fig 3 and C11 –

C12); b) wherein such dispatch selection criteria comprises i) identifying at least

one of such at least one technician assigned to such same geographic dispatch

area as such service location of such at least one customer requesting on-

location electronics troubleshooting services (Fig 3 and C11 –C12), and ii)

identifying at least one such technician having greatest elapsed time since such

last notification (Fig 3 and C11 –C12); and c) notifying such at least one

technician to provide such on-location electronics troubleshooting services requested by such at least one customer (Fig 3 and C11 –C12); and d) recording time of such notification, on such at least one Internet website client server, of such at least one technician (Fig 3 and C11 –C12).

27.    With respect to **claim 20** further comprising the steps of:

a) receiving at least one work shift start request (Fig 3 and C11 –C12), on such at least one Internet website client server, from such at least one technician; b) storing time of day and date of receipt of such work shift start request, on such at least one Internet website client server, from such at least one technician (Fig 3 and C11 –C12); c) sending confirmation of start of work shift to such at least one technician; d) receiving at least one end of work shift request, on such at least one Internet website client server, from such at least one technician (Fig 3 and C11 –C12); e) storing time of day and date of receipt of such at least one end of work shift request, on such at least one Internet website client server, from such at least one technician(Fig 3 and C11 –C12); and f) sending confirmation of end of work shift to such at least one technician (Fig 3 and C11 –C12).

28.    With respect to **claim 21** further comprising the step of presenting planned shift scheduling to such at least one technician (C11 –C12).

29.    With respect to **claim 22** further comprising the steps of: a) preparing text-based reports; and b) preparing graphical reports (C20, 35-45 "work order report").

30.     Claims **23 – 28 and 30- 32** being the system for carrying out the above method steps and having nearly identical claim limitations is rejected based upon the same analysis.

31.     **Claims 18 and 29** are rejected under 35 U.S.C. 103(a) as being unpatentable over Morris and Springer in further view of Official Notice.

        Springer teaches

        d) receiving contact information, on such at least one Internet website client server, relating to such current at least one on-location electronics troubleshooting request ([0030] can use interface to schedule appointments);

        e) submitting of at least one problem description relating to such current at least one on-location electronics troubleshooting request by such at least one customer (Springer [0033]); and

        f) receiving of such at least one problem description relating to such current at least one on-location electronics troubleshooting request, on such at least one Internet website client server, from such at least one customer (Springer [0033]).

        It fails to teach that when the customer visits the website:

        a) inputting of login identification information, on such at least one Internet website client server, from such at least one customer;

        b) validating login identification information from such at least one customer;

c) receiving confirmation of accuracy, on such at least one Internet

website client server, of such customer information;

The examiner takes Official Notice that inputting a login information when

visiting a service provider's site over the Internet is old and well established in the

business of e-commerce as a convenient way for a consumer to pay for

purchased items or services. It would have been obvious to one having ordinary

skill in the art at the time of the invention to have included the step of logging in

by a password information sent over the Internet because the skilled artisan

would have recognized that this business practice makes certain information on

the server available to particular/specific users and is clearly applicable to the

sale of any type of product. These advantages are well known to those skilled in

the art.

## *Response to Arguments*

32.     Applicant's arguments with respect to claims 1-32 have been considered

but are moot in view of the new ground(s) of rejection.

## *Conclusion*

33.     **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of

time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire

THREE MONTHS from the mailing date of this action. In the event a first reply is

filed within TWO MONTHS of the mailing date of this final action and the advisory

action is not mailed until after the end of the THREE-MONTH shortened statutory

period, then the shortened statutory period will expire on the date the advisory

action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be

calculated from the mailing date of the advisory action.  In no event, however, will

the statutory period for reply expire later than SIX MONTHS from the mailing

date of this final action.

Any inquiry concerning this communication or earlier communications from

the examiner should be directed to Matthew L. Brooks whose telephone number

is (571) 272-8112.  The examiner can normally be reached on Monday - Friday;

8 AM - 5 PM.

If attempts to reach the examiner by telephone are unsuccessful, the

examiner's supervisor, John Weiss can be reached on (571) 272-6812.  The fax

phone number for the organization where this application or proceeding is

assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MLB
9/30/2009

/JOHN G. WEISS/
Supervisory Patent Examiner, Art Unit 3629